

1 KEVIN V. RYAN (CASBN 118321)
2 United States Attorney

3 EUMI L. CHOI (WVSBN 0722)
4 Chief, Criminal Division

5 ROBERT DAVID REES (CASBN 229441)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7210
10 Fax: (415) 436-7234

11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) No. 3 05 70552
16 Plaintiff,) [PROPOSED] ORDER AND
17 v.) STIPULATION FOR CONTINUANCE
18 SHEILA WHITTENBERG,) FROM JANUARY 26, 2006 TO MARCH
19 Defendant.) 9, 2006 AND EXCLUDING TIME FROM
20 THE SPEEDY TRIAL ACT
21 CALCULATION (18 U.S.C. §
22 3161(h)(8)(A)) AND WAIVING TIME
23 LIMITS UNDER RULE 5.1

24 With the agreement of the parties, and with the consent of the defendant, the Court enters
25 this order scheduling an arraignment or preliminary hearing date of March 9, 2006 at 9:30A.M.
26 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
27 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
28 Speedy Trial Act, 18 U.S.C. § 3161(b), from January 26, 2006 to March 9, 2006. The parties
agree, and the Court finds and holds, as follows:

- 29 1. The defendant has been released on her own recognizance.
- 30 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
31 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
32 preparation, taking into account the exercise of due diligence.
- 33 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from January 26, 2006 to
9 March 9, 2006, outweigh the best interest of the public and the defendant in a speedy trial. §
10 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on March 9, 2006, at 9:30A.M., and (2) orders that
13 the period from January 26, 2006 to March 9, 2006 be excluded from the time period for
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

18
19 DATED: January 25, 2006

/s _____
20 RON TYLER
Attorney for Defendant

21
22 DATED: January 25, 2006

/s _____
23 ROBERT DAVID REES
Assistant United States Attorney

24
25 IT IS SO ORDERED.

26
27 DATED: January 26, 2006


28 HON. JOSEPH C. SPERO
United States Magistrate Judge